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REMARKS

Claims 1-29 are currently pending in the subject application and claims 1-16 and 27 are presently under consideration. A version of all pending claims is found at pages 3-8. The specification has been amended to correct minor typographical errors. Favorable reconsideration of the subject patent application is respectfully requested in view of the amendments and comments herein.

I. Rejection of Claims 1-16 and 27 Under 35 U.S.C. §112, first paragraph

Claims 1-16 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection should be withdrawn for at least the following reasons. The specification of the subject application provides sufficient detail for one of ordinary skill in the art to perform the invention without undue experimentation.

The standard for determining whether the specification meets the *enablement requirement* was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the *experimentation* needed to practice the invention *undue or unreasonable*? *That standard is still the one to be applied. In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). *See also United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation."). MPEP §2164.01

Moreover, the Examiner is directed to MPEP §2164.04 wherein it states:

A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. §112, first paragraph. MPEP §2164.04.

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With respect to independent claims 1, 8 and 27, and associated dependent claims, the Examiner indicates that applicants' fail to disclose the mechanism and benefits for mapping the claimed data document component and the data set component. It is submitted that the mechanism for mapping the claimed data document component and the data set component may be found throughout the instant specification, and in particular at page 7, line 18 – page 9, line 13.

The cited pages state in summary that a parser accesses information associated with a source document, for example an XML document, and thereupon stores the information accessed into a data document component in a hierarchical manner (e.g. tree of node(s)). Further, the parser can access information associated with the source document that defines a schema, the schema that is associated with the source document is used by the parser to store at least a portion of the information associated with the source document into a relational data structure, e.g. a data table, within the data set component. In addition, where no schema is associated with the source document, the parser can send the information accessed from the source document to the data set component wherein the data set component can infer a relational structure from the source document and store the structure in the data set component. Once the parser has completed its respective tasks, e.g. loaded the data document component and data set component with appropriately structured data, the data loaded into the data document component and the data set component is accessible to users (e.g., via an application program interface (API)). Thus it is apparent that the parser component of the subject invention, as specifically recited in independent claims 1, 8 and 27 (and claims that depend therefrom), provides two distinct data components, a data set component and data document component, into which structured (e.g., data organized according to the relational model) and unstructured (e.g., data adhering to a tag/text construct) data is respectively loaded.

Moreover, once the parser has completed the creation of the two data components, and since the schema required to maintain a relational structure in the data set component is either known from information associated with the source document, or can be inferred by the data set component from the source document, the data document component and the data set component can be associated (e.g., mapped) together. The invention as

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claimed thus associates the two data components through utilization of the schema, wherein for example, under one schema, a region of a data document component can be associated with a row of data from the data set component. Thus, where a node in the data document component contains a data element that corresponds with a property associated with a data table in the data set component an association is made. Where however, the node in the data document component contains a data element with no corresponding property in the data table within the data set component, no association is made. It is therefore apparent that the data document component and the data set component are associable provided that there are corresponding node elements and data table properties within the data document component and data set component.

Contrary to the Examiner's assertion that one skilled in the art would be unable to practice the invention as claimed in independent claims 1, 8, and 27, for lack of enablement within the specification, applicants' representative contends that ample detail is provided throughout the specification to enable one ordinarily skilled in the art to practice the invention without undue experimentation.

With regard to the Examiner's contention that applicant has failed to disclose the benefits for mapping the claimed data document component and the data set component, applicants' representative respectfully directs the Examiner's attention to 35 U.S.C. §112, first paragraph, which states:

The specification shall contain a written description of the invention, and, of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

As will be observed, the language of 35 U.S.C. §112, first paragraph, specifically contains no requirement that the applicant need provide information regarding the benefits associated with the invention. Nevertheless, and contrary to the Examiner's assertion, the benefits for mapping the claimed data document component and data set component, is specifically recited at page 4, lines 5-7, which states:

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With the historical use of relational databases and increasing use of mark-up languages (*e.g.*, XML), there is an unmet need in the art for a unified framework for accessing data (*e.g.*, XML document(s) and/or relational database document(s)).

and further, at page 4, lines 16-21:

The present invention relates to a system and method for providing a unified access to structured (*e.g.*, relational) and unstructured (*e.g.*, XML hierarchical) data. More particularly, the present invention relates to the ability of an Application Programming Interface (API) to access data (*e.g.*, XML document and/or relational database document) as unstructured data (*e.g.*, hierarchical) and as structured data (*e.g.*, relational model).

As is apparent from the above-cited lines, the benefits associated with the invention as claimed, and in particular with mapping the claimed data document component and data set component, is to overcome the current dearth of unified frameworks for accessing data that is both structured and unstructured. Applicants' invention therefore provides such a unified framework thus overcoming this unmet need.

In view of at least the foregoing, it is respectfully submitted that the specification amply satisfies the enablement requirement set forth in 35 U.S.C. §112, first paragraph, and that this rejection should be withdrawn.

II. Rejection of Claims 1-16 and 27 Under 35 U.S.C. §102(e)

Claims 1-16 and 27 stand rejected as best as the examiner is able to ascertain under 35 U.S.C. §102(e) as being anticipated by Vandersluis (U.S. Patent No. 6,356,920). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Vandersluis does not teach or suggest each and every limitation as set forth in the subject claims.

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A claim is anticipated only if *each and every element as set forth in the claim is found*, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a system and method for providing unified access to both structured (*e.g.*, relational) and unstructured (*e.g.*, XML hierarchical) data, and in particular to the ability of an Application Programming Interface (API) to access such data. Independent claims 1, 8 and 27 recite a similar claim limitation, namely: *the data set component and a data document component being mapped to each other*. Thus, by mapping the data set component, which comprises data presented according to a relational model, and the data document component, which presents data according to a hierarchical representation, a document, be it unstructured, *e.g.* XML hierarchical, or structured, *e.g.* based on a relational model, can be accessed through an API. Vandersluis fails to teach or suggest this feature.

Vandersluis discloses a computer system that provides the ability to construct and edit Data Definition Files (DDF) that contain hierarchically related elements of data. Vandersluis does not however provide a framework for presenting both structured and unstructured data, wherein a data set component and a data document component, which comprise relational model data and hierarchical representation of data respectively, are mapped to each other to facilitate access to the resultant unified data by an API. In fact, Vandersluis is silent regarding this limitation, and thus it is apparent that Vandersluis fails to teach or suggest each and every limitation set forth in the claimed invention.

Moreover, in the Examiner's response to applicants' previous argument contained in Reply to Office Action dated October 27, 2003, against 35 U.S.C. §102(e), the Examiner notes that: "the features upon which applicant relies (*i.e.*, a system and method facilitating a unified framework for structured/unstructured data) are not recited in the rejected claim(s)." Applicants' representative believes that the Examiner may have

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misread and misunderstood applicants' argument in the Reply to Office Action dated October 27, 2003, wherein it states: "[t]he subject application is related to 'a system and method facilitating a unified framework for structured/unstructured data.'" See, page 11. (emphasis added). The claim language to which Applicants' representative was attempting to direct the Examiner is embodied in the next sentence, which states:

Independent claim 1 is directed to a system for accessing data and recites limitations of "a data document component adapted to receive at least a portion of the parsed information, the data document component having a hierarchical representation of information associated with the data source; and a data set component, adapted to receive at least a portion of the parsed information, the data set component having a relational representation of at least some of the information associated with the data source, the data set component and the data document component being mapped to each other". (Emphasis added). Similarly, independent claim 8 directed to a system facilitating access to data, recites limitations of "an XML data document component having a hierarchical representation of information associated with a source document; and a data set component having a relational representation of at least some of the information associated with the source document, the XML data document component and the data set component being mapped to each other". (Emphasis added). Independent claim 27 is directed to a computer readable medium having computer executable components for accessing data and includes similar to independent claim 8, and, specifically includes a limitation of "the XML data document component and the data set component being mappable to each other."

Reply to Office Action dated October 27, 2003, page 11.

As can be clearly seen in the above-cited paragraph, Applicants' representative had previously quoted verbatim, not only the relevant claim language from independent claims 1, 8 and 27, but had also emphasized the limitation that constitutes the point of distinction within the claims that distinguishes the subject application from the cited document, viz. Vandersluijs.

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In view of at least the foregoing therefore, it is respectfully requested that this rejection be withdrawn with respect to independent claims 1, 8 and 27 (and claims that depend therefrom).

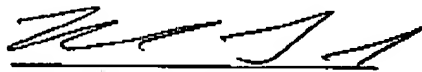
CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. MSFTP250US).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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